

## **REMARKS**

A first Office Action was mailed on August 3, 2004. Claims 1 – 15 are pending in the present application. With this Response, Applicants amend claims 4 and 5. No new matter is introduced. Support for the claim amendments may be found, for example, with reference to FIG. 4 and page 10, line 8 to page 11, line 34 of Applicants' specification.

## **ALLOWABLE CLAIMS**

Applicants thank the Examiner for indicating that claims 1 – 3 are currently allowed.

Applicants also thank the Examiner for indicating that dependent claims 5 – 16 are objected to , but would be allowable if rewritten or amended to overcome the rejections of claim 4 under the second paragraph of 35 U.S.C. § 112. As described below, Applicants amend claim 4 and respectfully submit that amended claim 4 is allowable. As claims 5 – 16 depend from allowable claim 4, Applicants further submit that claims 5 – 16 are allowable for at least this reason. Accordingly, Applicants respectfully request that the objection to claims 5 – 16 be withdrawn.

## **REJECTION UNDER 35 U.S.C. § 112**

Claim 4 is rejected under the second paragraph of 35 U.S.C. § 112 as failing to comply with the enablement standard. Specifically, the Examiner finds that that it is unclear what predetermined parameters are generated by the parameter generating unit, and how the parameters are computed to achieve bandwidth guarantees and preferential control. Claim 4 is further rejected under the second paragraph of 35 U.S.C. § 112 as

being indefinite. Specifically, the Examiner finds that it is unclear what the predetermined parameters are, how the parameter generating unit functions and what computing steps are involved.

Applicants amends independent claim 4 to recite:

4. A packet scheduling apparatus for selecting a packet to be output first among packets stored in a plurality of bandwidth guaranteed queues having reserved bandwidths guaranteed therefor and a plurality of priority queues forming a priority queue class having priority orders set in advance therefor and subject to preferential control, comprising:

parameter generating unit for generating first parameters, second parameters, and third parameters, said first parameters including weights given to said bandwidth guaranteed queues and a weight given overall to said priority queue class, said second parameters including a sum computed by totaling the weights of said bandwidth guaranteed queues when there are queues in the backlog state and the weight of the priority queue class when there are priority queues in the backlog state, said third parameters including a minimum arrival time of a packet having a higher priority order and arriving at one of the plurality of priority queues in said priority queue class first,

a service time computing unit for computing service times for said queues in the backlog state by using at least said first parameters, said second parameters, and said third parameters as parameters, and

a service time comparing unit for comparing the magnitudes of the computed service times with each other and selecting the packet having the minimum service time as said packet to be output first.

Support for the amended language of claim 4 may be found, for example, with reference to FIG. 4 and page 10, line 8 to page 11, line 34 of Applicants' specification.

In amended claim 4, Applicants indicate that it is a function of the parameter generating unit to generate three types of parameters, describe the three types of parameters, and clarify the role of the service time computing unit in computing service times for queues in the backlog state based on at least the three types of parameters. The three defined parameter types replace the former term "predetermined parameters".

Further detail describing the manner by which the service time computing computes service times may be found, for example, in Applicants' specification at page 12, line 17 – page 18, line 22.

Accordingly, Applicants respectfully submit that amended independent claim 4 is both definite and enabled, and is in condition for allowance. Therefore, Applicants respectfully request that the rejections under the second paragraph of 35 U.S.C. § 112 be withdrawn.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 16, which include independent claims 1 and 4, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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